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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,194	09/14/2000	Hisashi Saiga	55051(1117)	5757
21874 7590 10/09/2009 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
BASOM, BLAINE T				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
10/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.

09/646,194

Applicant(s)

SAIGA ET AL.

Examiner

Blaine Basom

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *The Applicants' proposed amendments add limitations to the claims that were not in any previous version of any claim, and accordingly, further search and consideration is required.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Kieu Vu/
Supervisory Patent Examiner, Art Unit 2173

Continuation of 11, does NOT place the application in condition for allowance because: The Applicants' arguments are not persuasive. The Applicants argue that "the Examiner has not satisfactorily dealt with the foregoing so-called moot argument either as argued by Applicants in their last submission or as clarified further by the above-Amendment" (Applicants' Remarks, page 15). The Examiner respectfully disagrees. The addition to the Final Office Action of the Warnock reference, which teaches a scroll path that entails the sequential display of each of a plurality of intervals, from a respective starting point to a respective end point, of an article thread, was in response to the Applicants' arguments concerning the added claim language, "the display elements forming the intervals defining the scroll path are respectively sequentially displayed from said starting point to said end point thereof as said scroll path is displayed by said display device." The Examiner thus respectfully maintains that The Warnock reference renders such arguments moot.

The Applicants further argue that the Examiner has provided divergent meanings to the claimed "scroll path." The Examiner respectfully disagrees. The Final Office action (see e.g., page 5) clearly discloses that the thread taught by the PDF reference manual can be considered a "scroll path" like claimed. The Applicants submit that the thread taught by the PDF reference manual may be likened to the vectors of the presently claimed scroll path, "even though they connect the actual elements of the scroll path" only in rectangular groups of individual display elements without any direction as to the sequence in which thus various display elements are to be displayed along the "scroll path" (Applicants' Remarks, page 18). The Applicants here seem to be confusing a thread with the "V" or "N" parameters of each article bead, which point to the previous or next bead in the thread (see page 112 of the PDF reference manual, or page 4 of the Final Office Action). A thread, as conveyed by the PDF reference manual and understood by the Examiner, comprises a series of linked document portions (i.e., "beads") so that the user may scroll directly from one portion to another; a thread is not a single link between beads.

The Applicants' remaining arguments either address the claims, as amended by the proposed amendments, or are repetitions of arguments previously submitted by the Applicants and addressed by the Examiner. The arguments addressing the claims, as amended by the proposed amendments, are respectfully considered moot since the proposed amendments have not been entered for reasons provided above. The Applicants' arguments that are repetitions of previous arguments are considered unpersuasive for reasons provided in previous Office Actions.